



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,416	01/16/2001	Mari Horiguchi	09812.0156-00000	4785
22852	7590	03/03/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER BOCCIO, VINCENT F	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 03/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s) MN	
	09/761,416		HORIGUCHI, MARI	
	Examiner		Art Unit	
	Vincent F. Boccio		2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amend & Reponse of 12/19/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2165

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2165.

Response to Arguments

1. Applicant's arguments filed 12/19/2007 against amended claims 1-20 have been fully considered but they are not persuasive.

{A} In re pages 8-9, applicant states, Kim, Alexander and Schein fail to disclose cancelling the recording reservation, because a once occurrence program does not constitute cancelling, with respect to a double booking operation, being two programs that have a time overlap on the same day.

In response a once occurrence program is one that has one occurrence that a system is aware of, while the other is different in that there exists more than one occurrence. As in one embodiment the system suggests to record the once occurrence in view of that show being broadcasted once, while the other would have more than one occurrence in other words there is another time & date that the other can be set for.

The once occurrence program comes once as the system is aware of that is why it is a once occurrence program.

Therefore, in first embodiment, the system suggests to record the once occurrence, because it the program occurs once

Art Unit: 2165

and therefore the other program causing the double-booking is canceled and the issues is resolved.

If the user chooses the other program (not the once occurrence program), then the once occurrence program would be cancelled to resolve the double booking issue.

Choosing the **non-once occurrence** program the reservation is cancelled for **the once occurrence** program.

Upon the cancellation of one of the program that causes the double booking the issue is resolved, as is clear to the examiner.

With respect to the second embodiment the once occurrence program has automatic priority over the program that has more than one occurrence. The system (based on the EPG, electronic program guide), is aware, of one program that occurs at another time that does not overlap the once occurrence.

Therefore, the program reservation for the non-once occurrence is actually cancelled even if, changed to another time where there exist no overlap (same day and overlap in time) or double-booking two programs with overlap in time on the same day (second embodiment).

A system with one tuner cannot record two different channels at the same time on the same day, unless there is two tuners, upon a third reservation in this case that overlap in

Art Unit: 2165

time and day one program causing the double booking would be required to be cancelled, as would be clear to those skilled in the art, one skilled in the art would require no more disclosure.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (US 6,182,094) and Kim (US 5,526,130) and further in view of Alexander et al. (US 6,177,931) and Schein et al. (US 6,002,394).

The examiner incorporates by reference the previous rejection as set forth base on the combination as previously applied.

Regarding claims 1-15 as amended further recites,

wherein an entry of the cause of the double-booking occurred subsequent to an entry of the preliminary reservation (causes the double booking or overlap between two programs, same day with overlapping time).

Art Unit: 2165

The claims as amended, is obvious and directed to **Alexander as applied.**

"display means for displaying a warning indicating double booking of recording reservations to a user and displaying the cause of the double booking in accord to the second pieces of information and wherein the control means being for canceling the recording reservation if double booking occurs and if the recording reservation is a preliminary reservation, wherein an entry of the cause of the double-booking occurred subsequent to an entry of the preliminary reservation.

Alexander teaches at col. 12, line 53 to col. 13, line 22, when, "If the detects an overlap in date, time in the record list, the EPG formats a message to the viewer describing the conflict", which reads on a warning which describes, "the cause of the double booking in accord to the second pieces of information", being an overlap or double booking situation with events, thereby informing by alerting the user and describing the conflict thereby informing the user and allowing the user to correct the overlap, as taught by Alexander.

Alexander further teaches col. 13 after the control means issues the warning of double booking, the EPG requires the user to revise (therefore cancel one program reservation) the instructions to eliminate the conflict, the EPG would format a message that would suggest to the viewer that the viewer select the one occurrence program to be recorded, in other words cancel one of the events set, either the preliminary (first set) or second set, as desired therefore, canceling an event to eliminate the conflict, as taught by Alexander.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by incorporating displaying a warning indicating double booking of recording reservations to a user and/or {in the form} of a display the caused the double booking, in accord to the second pieces of information (multiple events set that overlap), as taught by Alexander in order to allow user to be informed of double bookings and to allow for adjustments, such as a cancellation of a preliminary or secondary, with respect to the

Art Unit: 2165

conflict identified, that caused by overlapping shows or programs in time and date, as taught by Alexander.

Regarding claims 1-15 as currently amended, the prior art as applied fails to particularly disclose the limitation of:

O regardless of whether the cause the double booking is located on the information processing device or on any other remaining processing device in the network.

The new limitation reads on two recording devices that can be programmed for events, such as VCRs in the system.

Schein teaches a system as shown in Fig. 1, having a first VCR 36 and a second 34 or as shown in Fig. 12, TV system 320 has two VCRs or processing devices, which the VCRs both can be programmed (w/EPG), which are deemed to be able to set multiple events per unit, as is conventional, as taught by Schein.

Further in accord to Humpleman various devices can be connected to the home network and shows at least multiple TVs in Fig. 8, (Dads TV & Jims TV), all elements in the system can be controlled by a central point or GUI and associated device (Figs. 10-13), wherein events can be set and viewed.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by having at least two devices such as VCRs or other recording event setting devices and to program these two units for events, wherein it is further deemed obvious that to set the second piece of information based on a first (KIM) and to alert users upon double booking cause (Alexander) and to provide at least two device for setting events, based on Humpleman's network as is obvious to those skilled in the art, with the references as applied, as is obvious that there can be two recorders in the system for setting events, as a mere obvious duplication of parts, as is obvious to those skilled in the art, wherein each VCR or device that can handle events comprises one tuner, which is the cause of double booking issues.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2165

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday thru Friday between (7:30 am to 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

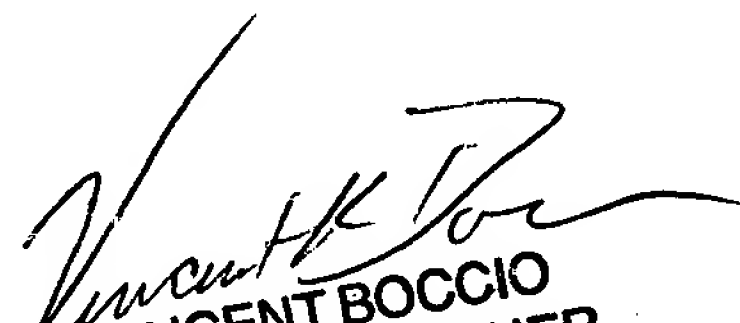
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner, Boccio, Vincent
2/29/08


VINCENT BOCCIO
PRIMARY EXAMINER